

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP No.3775 of 2002

Date of Decision: November 8, 2006

Jagdev Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND**

Present: Mr.ML Sachdeva, Advocate
for the petitioner.

Mr.Ashok Aggarwal, Additional AG Punjab for respondents
No.1 to 4.

S. D. ANAND, J.

1. As these writ petitions (Nos.3775, 4143, 4187, 5406, 8363, 14129, 14823, 19286 and 20129 of 2002) are ventilation of a collective grievance, we propose their disposal by a common judgment. Before entering the thicket of controversy, a narration of the skeletal facts adequate enough to get a hang of the point in issue would be appropriate. These facts are otherwise presently beyond the pale of controversy and relatable to the material obtaining on the file.

2. The Chairman, Departmental Selection Committee, Punjab invited applications for recruitment to 1000 posts of Physical Training Instructors (hereinafter referred to as PTIs) in the Punjab Education

Department. The relevant notice of appointment was published in the Issue dated 12.1.1996 of a regional newspaper. In terms of the statutory rules, a candidate seeking appointment to those posts had to be a matriculate with diploma in Physical Education recognised by the Punjab Government. There is no dispute that all the petitioners had acquired the eligibility qualifications before the issue of that notice of appointment in the year 1996. The petitioners were interviewed by the Selection Committee and were selected for the posts aforesaid. In pursuance of the appointment letters issued in their favour, all the petitioners joined at their respective stations of posting. We are not indicating the details, in the context, as those particulars are not relevant for purposes of adjudication of the instant controversy.

3. One Jasvir Kaur and another(hereinafter referred to as the petitioners in CWP No.18406 of 1997 (Annexure-P7 in CWP 3775 of 2002) had also been interviewed by the Selection Committee in November, 1996. The result of the selection was published in issue dated 31.3.1997 of a daily vernacular newspaper published from Jalandhar. The published result indicated that the petitioners in CWP No.18406 of 1997 had also been selected to the posts aforesaid. Those two petitioners and some other candidates including Joginder Singh and Gurdarshan Singh (who were not petitioners in CWP No.18406 of 1997) did not get their appointment letters. All four of them issued a legal notice of demand. However, in response thereto, a letter of appointment did indeed come to be issued in favour of S/Shri Joginder Singh and Gurdarshan Singh, but no appointment letter was issued in favour of Jasvir Kaur and her co-petitioner. They, thereupon, filed CWP No.10897 of 1997 which was disposed of by a Division Bench of this

Court on 31.7.1997 with a direction to the respondents to examine the claim of the petitioners thereto and take a decision on the notice of demand within one month from the date of receipt of a certified copy of the order. The District Education Officer, Ferozepur, vide his order dated 17.10.1997, rejected their claim on the plea that they were not eligible for appointment as the diploma in Physical Education obtained by them from the State of Maharashtra did not have recognition by the State of Punjab. It was, then, that Jasvir Kaur and another filed CWP No.18406 of 1997 which was dismissed. However, while dismissing that writ petition (vide order dated 4.12.2000), a Division Bench of this Court noticed that Joginder Singh and Gurdarshan Singh mentioned above, had been illegally appointed to the post aforesaid as they had also obtained diploma in Physical Education from the State of Maharashtra, which (diploma) had not been recognised by the Punjab Government. It was pointed out to the Court that some other candidates, who had obtained a similar diploma from the State of Maharashtra, had also been appointed as PTIs. While declining the petitioners' plea (in CWP No.18406 of 1997) for protection under Articles 14 and 16 of Constitution of India on point of discrimination, this Court directed the respondents to complete the action for the removal of the ineligible from service if already initiated and if not so initiated, initiate the same and complete the process in accordance with law within six months from the date of receipt of a copy of that order. It was further ordered by this Court that this will be done after complying with the principles of natural justice and affording an opportunity of hearing to all those who may have to be removed.

4. It was in the light of the aforesaid direction given by this Court

(in CWP No.18406 of 1997) that the impugned show cause notices were issued to the petitioners to offer their clarification on point of eligibility in the context of diploma in Physical Education which had been obtained from the State of Maharashtra. All the petitioners offered a response which did not find favour with the Competent Authority and their services were terminated on a finding that they were not eligible to be appointed to the post aforesaid. The impugned termination proceeded on the premise that the Diploma held by the petitioners was not recognised by the Punjab Government and, thus, they were not eligible for the posts aforementioned.

5. We have heard the learned counsel for the parties. The records have been perused. (The reference in this judgment is to the Annexures placed on record of this Civil Writ Petition. Those Annexures, otherwise, also appear on the file of other Civil Writ Petitions).

6. Apart from the documentary material placed on the file along with the pleadings, the learned counsel for respondents 1 to 4 also placed on file a copy of letter No.1713-4EdII-77 dated 28.4.1977. A reference to that letter appears in Annexure R1 which (Annexure R1) is the copy of letter No.11364-2 Edu-2-77 dated 27.10.1977 addressed by the Secretary, Punjab Government, Education Department to the Director of Public Instructions, Punjab (Schools), Chandigarh. As noticed in this Courts' order dated 7.8.2006, learned counsel for respondents 1 to 4 had sought time to produce that letter (dated 28.4.1977) which was ultimately produced before this Court. A reference to the contents and the effect thereof would be made in the succeeding paras of this judgment.

7. It is common ground that the respondents have not, till date, issued any list enumerating the Institutions which have been formally

recognised by the State of Punjab for purposes of recruitment to the various posts under it. It is also beyond the pale of controversy that there are general instructions issued by the State of Punjab to the effect that in the case of degrees/diplomas awarded by the Universities in India “which are incorporated by an Act, of the Central or a part 'A' or part 'D' State Legislature in India”, no formal orders recognising such degrees/diplomas are required and those should be recognised automatically for purposes of employment under the State Government. Those instructions are contained in Punjab Government circular letter No.TED-V-158-63/4220 dated 4.3.1963. Vide letter No.4 Fed-V-1281-64/3428 dated 21.2.1964 (Annexure P3), the Education Commissioner and Secretary to Government Punjab, Education Department, informed the Commissioners of Divisions, District and Sessions Judges, Deputy Commissioners in the State that the matter in the context had been further examined and the Government of Punjab, in consultation with Punjab Public Service Commission, have decided that for purposes of recruitment to the services in the State where eligibility depends upon the possession of a University degree or diploma, degrees or diplomas granted by all universities or Institutions recognised by the Central University Grants Commission should be recognised.

8. Learned counsel for the petitioners argued, at the very outset, that the impugned order suffers from an apparent vice of having been passed on the basis of orders of this Court in Civil Writ Petition No.18406 of 1997 to which the petitioners were not a party. The pure and simple plea raised thereby is that the finding of this Court (in the Civil Writ Petition aforementioned) is not binding upon the present petitioners as they had not been impleaded as respondents to that matter.

9. The plea raised proceeds on a palpably incorrect premise. As would be evident from a perusal of the record, the Competent Authority had called upon the petitioners to show cause in the context, on point of eligibility, in view of the observations made by this Court in Civil Writ Petition No.18406 of 1997. The present is not a case in which the petitioners were sought to be ousted from service merely on the basis of a finding recorded by this Court in that Civil Writ Petition. The aspect of eligibility determined in the aforesaid Civil Writ Petition was only in relation to the petitioners who had filed it, though this Court did direct the Competent Authority to proceed to determine the eligibility of non-parties as well. It was in the light of that observation/direction given by this Court that the Competent Authority issued show cause notices to the petitioners to indicate their eligibility on the basis of the C.P.Ed. Course certification issued by the Directorate of Sports and Youth Services, Government of Maharashtra, Pune. As the petitioners were not able to satisfy the Competent Authority on point of eligibility, the termination of their services was ordered. Thus, the impugned order came to be passed by the Competent Authority on account of the inability on the part of the petitioners to prove their eligibility. That exercise, in the matter of determination of eligibility, though done under the orders of this Court, culminated in the impugned orders which were based upon an independent finding recorded by the Competent Authority. The plea aforesaid raised by the petitioners shall stand repelled accordingly.

10. Learned counsel for the petitioners, then, raised the following further common contentions in support of their plea that the respondents are not entitled to deny that the diploma issued by the Directorate of Sports

and Youth, Govt. of Maharashtra had been receiving continued recognition by the State of Punjab till the issuance of advisory public notice dated 23.6.1997 (Annexure P9).

1. In terms of letter dated 27.10.1977 (Annexure R1), the diploma in Physical Education given by the Directorate of Sports and Youth Service has to be treated as recognised as, by the very nature of things, the Directorate aforesaid is a part of the State Government of Maharashtra.

2. The State of Punjab has been granting scholarship to a number of students who were studying for the Course aforesaid in the State of Maharashtra (Annexure P8).

3. The public notice dated 23.6.1997 (Annexure P9) issued by the Director, State Council of Education Research & Training, Punjab, Chandigarh announced having received an intimation from the Government of Maharashtra that it (Government of Maharashtra) had decided to de-recognise the Certificate Course aforesaid with effect from 8.1.1997. The public notice aforesaid further advised the students “not to take admissions from these Institutions”. The plea raised thereby is that the de-recognition would operate prospectively with effect from the indicated date and cannot be deemed to have become operative retrospectively.

4. The testimonials etc. produced by the petitioners were verified at the time of the interview/issuance of appointment letters and also at the time of their joining at the different stations of posting. Our attention in the context was drawn towards clause 14 in the appointment letter which required the Head of the Institutions

concerned to verify the aspect of eligibility before allowing the appointee to join the post.

5. The State of Punjab had announced the equivalence of C.P.Ed. Course run by the Government of Maharashtra to a similar course run by the State of Punjab vide letter No.2438/3Edi-85/10803 dated 14.7.1985.

11. On the other hand, learned counsel for the respondents relied upon letter No. 1713-4EdII-77/ dated 28.4.1977 to aver that the request made by Shri Hanuman Vyayam Prasarak Mandal, Amravati for recognition of the Course run by it had been pointedly declined by the Government of Punjab. It was also argued that the recognition of equivalence of C.P.Ed. Course by the State of Maharashtra to a similar course run by the Punjab Government vide letter No. 2438-3 Edi-85/10803 dated 14.7.1985 was a one time exception meant only for 1979-80 Session. While placing reliance upon Annexure R1, it was further argued that the C.P.Ed. Course of Bhartiya Sharirik Shikshan Mahavidalaya Amrawati “which is countersigned by the Maharashtra Government” had also been recognised for the Session 1977-78 as a one time measure in pursuance of a meeting which the representatives of Adhoc Committee of unemployed Physical Education teachers had with the Chief Minister Punjab on 19.10.1977.

12. We have given our anxious consideration to the rival contentions canvassed before us. The present writ petitions deserve outright allowance for the reasons indicated hereunder:

13. As already indicated in an earlier part of this judgment, there is no authorised documentation made available by the State of Punjab to the general public enumerating the courses recognised for purposes of

recruitment to the various posts under the State of Punjab. On the other hand, letter dated 27.10.1977 (Annexure R1) has a connotation wide enough to support an inference that a course run by another State Government (through a Department of that Government) would be deemed to have been recognised by the State of Punjab and no formal recognition of that diploma/course would be required. In that context, it would be appropriate to notice that the State of Punjab is indeed proved to have been granting scholarship to the students studying the course aforesaid under the Directorate of Sports and Youth service, Government of Maharashtra. A reference in the context may be made to letter dated 16.7.1983 addressed by the Principal of the Amravati Institute to one Harpal son of Mukhtiar Singh who was on the rolls of concerned Institute during the Session 1982-83 for qualifying the C.P.Ed. Course. That letter informed Harpal Singh aforesaid that the scholarship amounting to Rs.1919/- in his name had been received from the Office of Director of Public Instructions, Punjab, Chandigarh. The addressee was called upon to forward certain duly signed forms etc. in order to enable the Institute to forward the scholarship amount to him. No denial on point of sanction of scholarship in the aforesaid context was offered by the learned counsel for the respondents who only feebly argued that the mere sanction of a scholarship would not advance the petitioners' case when no formal recognition to that course had been accorded by the Punjab Government. The plea raised on behalf of the respondents lends itself to an outright burial. By the very nature of things, it would not be expected that a Government Department would extend scholarship to a student who is studying for a Course which has not been accepted by the Government granting it (scholarship). The grant of any financial benefit, in the form of

a scholarship, is assumed to be a conscious act which would be effectuated only after the matter has been examined/processed at various hierarchal levels in the impersonal scheme of things under a Government.

14. In so far as the letter dated 28.4.1997 is concerned, it is addressed to the Honorary General Secretary, Shri Hanuman Vyayam Prasarak Mandal, Amravati. This letter does not at all make any mention of the Course run under the auspices of Directorate of Sports and Youth Service. In that view of things, this letter is not of any assistance to the respondents in the advancement of their plea.

15. Even Annexure R1 does not advance the plea raised on behalf of the respondents. In the opening sentence of that letter, there is mention of a meeting which the representatives of Adhoc Committee of unemployed Physical Education Teachers had with the Chief Minister of Punjab on 19.10.1977. One of the decisions taken in the course of that meeting was that the residents of Punjab who had passed C.P.Ed. Course from Bhartiya Sharirik Shikshan Mahavidalaya College, Amravati, certificates whereof had been countersigned by the Maharashtra Government, would be treated as equivalent to those studying for a similar course at the Physical Education College of Patiala during the Session 1977-78. In that very para, it was clarified that the residents of Punjab who would receive certificates from Bhartiya Sharirik Shikshan Mahavidalaya Amrawati after 1977-78 will not be recognised. However, a note apparently discordant to the above contents was indicated in the concluding para of that very letter. While referring to D.O. letter No.11364-2-Edu-2/77 dated 11.10.1977 which had earlier been addressed to Miss Sharada Kora, Deputy Director of the Institution aforementioned, it was indicated that the ban imposed thereby

(vide letter dated 11.10.1977) be considered as cancelled. The concluding line of that para records that 'similarly, the ban imposed on receipt of certificate by the Punjab residence from Bhartiya Sharirik Shikshan Mahavidalaya, Amravati running under Hannuman Vyayam Prasharak Mandal, Amravati is hereby lifted.' As already noticed, para No.1 of that letter recorded that the certificates obtained from Bhartiya Sharirik Shikshan Mahavidalaya Amrawati would be recognised only till the Session 1977-78; while the concluding sentence of that letter records that the ban imposed upon receipt of certificates from Bhartiya Sharirik Shikshan Mahavidalaya, Amrawati running Hannuman Vyayam Prasarak Mandal, Amrawati by Punjab residents had been lifted.

16. It would be pertinent to notice here that concluding sentence of public notice dated 23.6.1997 (Annexure P9 in Civil Writ Petition No.3775 of 2002) contained an advice by the Punjab Government to the students to refrain from studying for the C.P.Ed. Course in the State of Maharashtra. The announcement by the Punjab Government, in the context, was that (in view of the information received from the Government of Maharashtra on point of de-recognition of the Course aforesaid), the qualification aforementioned obtained after 8.1.1997 from the State of Maharashtra would not be recognised by the Government of Punjab. The only inference deducible from that notice is that the certificate course in Physical Education obtained by the Punjab residents from Baldana, Yattomal, Amravati and Nanded Centres was indeed recognised earlier but would no longer be recognised w.e.f. 8.1.1997 on account of its de-recognition by the State of Maharashtra with effect from that date. By no stretch of interpretation can it be suggested that the de-recognition announcement

could have a retrospective effect.

17. The factual narration indicated above leads us to the following conclusion. Though, there is no formal announcement by the Government of Punjab indicating the recognition of the Course under reference for purposes of employment under the State, the Authorities in the Education Department had been throughout proceeding/conducting themselves on the premise that the certificate course issued by the Directorate of Sports and Youth Services (Government of Maharashtra) had the recognition (of the Punjab Government) for the purposes of employment in the State of Punjab. This inference is buttressed by the fact that the eligibility of the petitioners was neither faulted at the time of interview/selection nor at the time of their joining in terms of the appointment letter issued in favour of the petitioners. The fact that the Education Department of the State of Punjab had been sanctioning scholarship to the students on the rolls of the Maharashtra based Institutes for the certificate course aforesaid would also cement the above inference. In that very context, sustenance can also validly be drawn from the contents of letter dated 27.10.1977 (Annexure R1) which announced the lifting of ban on courses run by Hanuman Vyayam Prasarak Mandal (State of Maharashtra).

18. Having said that, we would also notice that it is not even the averment by the respondents that there ever was any mis-representation or concealment of facts, on point of eligibility, by the petitioners. It were the instrumentalities of the State of Punjab which accepted the eligibility of the petitioners and allowed them to join the employment under the State. It also deserves notice that the Government of Punjab (Department of Education) did not suo motu proceed in the matter against the petitioners.

The refrain, in the context, on the part of the Competent Authority can safely be said to have been actuated by the fact that the course under reference had its continued recognition till 8.1.1997. The above inference can also be culled out from the fact that the respondents have not joined issue on the averment made by the petitioners in the pleadings that certain PTIs who had obtained certificate course in Physical Education from the Government of Maharashtra are still continuing in service. Though, we do not suggest that there can be any equality in illegality, it cannot nonetheless be lost sight of that the refrain on the part of the respondents in proceeding against those persons is suggestive of the premise on which they had been proceeding till the issuance of the public notice, Annexure P9. In the circumstances of the case, it can assertively be recorded that the respondents have presented a lifeless contention.

19. The following facts, having a relevant bearing on the controversy in issue, are apparent from the record:

- a) The petitioners qualified the certificate course in Physical Education from Directorate of Sports and Youth Service, State of Maharashtra.
- b) Letter No.11364-2 Edu-2-77 dated 27.10.1977 (Annexure R1) conceded recognition equivalence of the C.P.Ed. Course of Bhartiya Sharirik Shikshan to the course being run at the Physical Education College of Patiala during 1977-78.
- c) The equivalence of Maharashtra C.P.Ed. Course to a similar course run by the State of Punjab was also recognised for the period 1979-80.
- d) The concluding line of para 3 of Annexure R1 announced the

formal lifting of ban on receipt of certificates by the Punjab resident from Bhartiya Sharirik Shikshan running under Hanuman Vyayam Mandal, Maharashtra. Though the letter dated 11.10.1997 (vide which the ban aforesaid is averred to have been imposed) was not placed on file, the lifting of ban imposed thereby is evident from it (Annexure R1).

e) The public notice (Annexure P9), in a way, conceded recognition of C.P.Ed. Course upto the period 1997-98 and further advised the Punjab students to refrain from studying that course after 8.1.1997.

f) The Education Department of Punjab Government had been sanctioning scholarships to the students studying for the above Course at Maharashtra.

20. The above enumeration of facts and our view based thereupon is on merits. Having noticed that aspect, we also cannot be oblivious of the fact that the petitioners have been in service for the last about nine years. One may safely assume that they may have raised families in the meantime. Even the G.P.F. numbers have been allotted to them. As already noticed, the petitioners never made any mis-representation on point of their eligibility and there also is no allegation that they were guilty of concealment of facts in the context. It would be against all canons of accepted human conduct and allowable compassion to oust them from employment at this point of time, particularly when most of them may have even crossed the maximum age for employment under the State. In the light of the merit- related position noticed in the foregoing paras, the law would not countenance such a situation.

21. In so far as Civil Writ Petition No.20129 of 2002 is concerned, it is based on certain different facts. In that case, petitioner Kirtan Singh had applied for appointment as PTI in response to an advertisement dated 19.8.1992. The appointment was made vide order dated 14.9.1994 and, in pursuance thereto, he joined his place of posting at Government Middle School, Raniwala, District Faridkot. As his appointment was in excess of the advertised posts, it (appointment) was challenged in Civil Writ Petition No.5985 of 2004 (titled “Yashwinder Singh Rana and others Versus State of Punjab and others). That petition was allowed on 28.9.1994 and the appointment of the petitioner, along with certain other appointees, was nullified on a finding that their appointments were made in excess of the advertised posts. However, at a subsequent point of time, the petitioner was offered appointment as a PTI teacher on 89 days basis vide order dated 2.1.1995. His tenure came to be extended from time to time and his services were ultimately terminated vide order dated 13.11.1997 (Annexure P5 in Civil Writ Petition No.20129 of 2002). The petitioner and certain other similarly circumstanced teachers approached the Government which issued Punjab Recruitment of Teachers Ordinance for validating the services of that petitioner and those similarly circumstanced who had been appointed in excess of the advertised posts. That Ordinance was, later on, replaced by an Act. The promulgation of the Ordinance and also the Act aforementioned was challenged by some candidates by filing Civil Writ Petition No.8457 of 1989. In the course of hearing on 4.8.1999, a Division Bench of this Court recorded the following order:

“This matter has been placed before us for consideration of stay.

The learned Advocate General has filed affidavit of Shri Bibek Sarkar, Special Secretary Education, Government of Punjab, Chandigarh. The same is taken on the record.

After having heard learned counsel for the parties and perusing the records, we modify the order dated June 15, 1999 in the following manner:

- i) If any candidate who was selected prior to June 8, 1999 for appointment in the cadre of Lecturer or Headmasters/Headmistress of Social Studies, Mathematics, Punjabi, Hindi, D.P.Ed., Science, P.T.I., Art and Craft, Sewing, Sanskrit and Vocational is available then such candidates shall be first appointed against the vacant posts including those sanctioned with retrospective effect vide Memo dated 3.8.1999.
- ii) The remaining posts sanctioned vide Memo dated 3.8.1999 may be filled by appointing those persons who were appointed in pursuance of the advertisement issued in 1992 but whose appointments were nullified in pursuance of judgment of this Court in Civil Writ Petition No.5985 of 1994 “Yashwinder Singh Rana and others Versus State of Punjab and others” decided on 28.9.1994 and the decision of the Apex Court in “Surinder Singh and others Versus State of Punjab and others, JT 1997 (7) SC 537.
- iii) Such appointments shall be purely temporary and shall not confer any right on the appointed candidates to claim regularisation of services, confirmation or seniority till the final decision of the writ petition.

The learned Advocate General says that the orders will be issued in favour of the selected candidates within a period of two weeks strictly in accordance with merit determined at the time of selection irrespective of the fact that some of them may have, in the meanwhile joined as J.B.T. Teachers in view of the directions given by the Court or otherwise.

It is made clear that those persons who are holding the posts of J.B.T. Teachers as on date shall be entitled to revert back on their respective posts in case the petition is ultimately allowed.

The application filed by Mrs. Tejinder Kaur and others for implement as respondents is disposed of by directing that they shall be entitled to act as intervenors.

The counsel for the parties are permitted to file supplementary pleadings within two weeks. The learned counsel for the intervenors are also permitted to file affidavits within two weeks from today with the advance copy to the counsel for the petitioners.

The case be now listed on 13.9.1999. The Bench Secretary is directed to give an attested copy of this order to the counsel for the petitioners and the learned Deputy Advocate General.”

22. Thereafter, in pursuance of the directions given by this Court, the State filed an affidavit dated 20.9.1999 indicating in the course thereof the candidates to whom appointment letters had been issued, the candidates who were over-age, who were not found eligible and also the candidates whose names were under consideration. The name of the petitioner was

included in the list of 'Not Eligible Candidates'. No reason for non-eligibility was otherwise specified in that affidavit. The petitioner filed a representation (Annexure P6 in Civil Writ Petition No.20129 of 2002 calling upon the respondents to indicate the reason on account of which he had been treated as ineligible. When the respondents offered no response to the representation, he filed similar representation before the Education Minister, Punjab (Annexure P7) who, in turn, directed DPI (Schools) to take necessary action thereon. In the meantime, the respondents filed yet another affidavit (Annexure P8 in Civil Writ Petition No.8457 of 1999). in which it was averred, inter alia, that seven candidates including the petitioner had been found ineligible for appointment as the diploma certificate acquired by them in the year 1993 from the State of Maharashtra did not have the recognition of the Punjab Government. The Education Department, under the directions of this Court, conducted an enquiry into the genuineness or otherwise of the certificates issued by the Director of Sports and Youth Services, Government of Maharashtra, Pune and the certificates were found to be genuine. It further transpired in the course of the enquiry that for the C.P.Ed. Course, which came to be started in the State of Maharashtra in the year 1952-53 and last examination whereof was held in the year 1997, the examination was conducted by the Departmental Committee with effect from the year 1958. Prior thereto, the examination was being conducted by the Education Department itself. The control, in the context, was passed on to the Director of Sports and Youth Services, Government of Maharashtra, Pune w.e.f. 1970 onwards as the Directorate of Sports and Youth Services, has been separated from the Education Department.

23. In the written statement, it has not been disputed by the

respondents that ineligibility of the petitioner in the writ petition aforesaid only on account of his having acquired C.P.Ed. qualification from the State of Maharashtra.

24. In view of our finding that those who had acquired C.P.Ed. qualification from the Director of Sports and Youth Service, Government of Maharashtra, Pune prior to 8.1.1997 were eligible for appointment to the posts of PTI, this writ petition filed by Kirtan Singh shall stand allowed. The impugned order terminating his services on the invalidated premise, shall stand set aside. The nature of appointment (to be given to that petitioner) would be in terms of the orders dated 4.8.1999 passed by this Court in Civil Writ Petition No.8457 of 1989 which stand re-produced in paragraph 22 of this judgment.

25. In the light of the foregoing discussion, we allow these writ petitions. The impugned orders directing removal/dismissal of the petitioners from service are quashed. No orders as to costs.

(S. D. ANAND)
JUDGE

(J. S. KHEHAR)
JUDGE

November 8, 2006
SRM